

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mary Hurd Brown

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

New York City Department of Education

Do you want a jury trial?

☒ Yes ☐ No

Eric Friedman

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Mary**Hurd Brown**

First Name

Middle Initial

Last Name

P.O Box 1113

Street Address

Bronx**N.Y.****10451**

County, City

State

Zip Code

917 583 6385**mbrown39@Verizon.net**

Telephone Number

Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: **New York City Department of Education**

Name

Tweed Courthouse 52 Broadway

Address where defendant may be served

NY**NY****10007**

County, City

State

Zip Code

Defendant 2: **Mr. Eric Friedman, Supervisor of Manhattan Attendance Teachers**

Name

131 Livingston Street

Address where defendant may be served

Brooklyn**NY****11201**

County, City

State

Zip Code

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:
HS of Graphic Communication Art Complex

Name

439 W 49th Street

Address

NY

N.Y.

10019

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☐ race:☐ color:☐ religion:☐ sex:☐ national origin:

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1949

- ☒ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: Knee Replacement, HP

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: Knee Replacement, HP

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☒ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): No appropriate work space, no secure area for personal storage,
and no phone, 3020-(a) date served 2/19

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.
see attached addendum

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

- ☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 3/19/2019

- ☐ No

Have you received a Notice of Right to Sue from the EEOC?

- ☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 12/26/2019

When did you receive the Notice? 1/02/20

- ☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)
monetary damages, emotional distress, physical harm, rescind 3020-(a) charges
- _____
- _____
- _____
- _____

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>3/17/2020</u>		<u>Mary Hurd Brown</u>	
Dated		Plaintiff's Signature	
Mary		Hurd Brown	
First Name	Middle Initial	Last Name	
<u>P.O. Box 1113</u>			
Street Address			
<u>Bronx</u>		<u>NY</u>	<u>10451</u>
County, City		State	Zip Code
<u>917-583-6385</u>		<u>Mbrown39@Verizon.net</u>	
Telephone Number		Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Addendum to Federal Complaint for Mary Hurd Brown @ 3/17/20

- 1) I am a 69 year old attendance teacher who began working with the NYCDOE in 1988 as a family assistance worker.
- 2) Since 2001, I have been employed as an Attendance Teacher with the NYCDOE. Attendance teachers at any one time service several schools, yet are assigned to one particular school for payroll purposes, known as the "payroll school". Attendance teachers are frequently reviewed and assessed by the principals of their "payroll school", and cannot be evaluated by the supervising principal.
- 3) I am disabled due to a knee replacement surgery in 2013 and have a pending workers' compensation case related to that injury.

2016-17 school year

- 4) In September 2016, Mr. Eric Friedman began as Manhattan Affinity Supervisor and became my direct supervisor.
- 5) In November 2016, Mr. Friedman refused to approve my use of a personal vehicle for my position, even though it had been approved for years by previous supervisors. At the time, younger attendance teachers in Manhattan Affinity Network did not have their car usage privileges revoked.
- 6) In December 2016, multiple incidents occurred where Mr. Friedman verbally assaulted and publicly humiliated me in front of students and co-workers.
- 7) During one incident that took place on or about December 13, 2016, during a professional development workshop, Mr. Friedman conducted his verbal assault by screaming at me in front of colleagues that I was old and that he would take away my job and my license. During this incident, a facilitator even came to the door to ask Mr. Friedman to stop yelling because he could be heard in the classroom. As a result of this incident I was extremely upset and had felt immediately threatened in regard to my age and job and I had to report to urgent care due to the stress it caused me. My vitals indicated extremely high blood pressure and I was issued a note and directed to stay home as per my elevated blood pressure. I reported this incident to Ms. Maria Mysliwy, who, at the time was Supervisor of Policy and Mr. Friedman's supervisor, but she took no disciplinary action against Mr. Friedman.

- 8) On June 5 and 6, 2017, I had attended non-DOE conferences. As a result of attending conferences, I faced a disciplinary hearing on the last day of school in June of 2017, claiming I did not have authorization to go.
- 9) It was at this June 27, 2017, meeting at which I became aware I had received only my 2nd “unsatisfactory” overall rating of my career. Previously, before Mr. Friedman’s tenure as supervisor, I had only received one such “Unsatisfactory” rating in the 2007-08 school year. Principal Patricia Mineya handed me the rating, yet it was not signed by her as the rating officer and there were no observations of my work that could justify this rating
- 10) In September 2017, I filed a discrimination complaint with the DOE Office of Equal Opportunity (OEO). Mr. Friedman, who as previously mentioned became Manhattan Affinity Supervisor in September 2016, became aware of such filings and would begin a long and enduring campaign of retaliation against me by himself and those closely associated with him.
- 11) Along with myself specifically, several other senior and older attendance teachers such as Migdalia Rodriguez, Donna Steel, and Yd Netf were all removed from their regularly assigned schools and assigned to schools which required an increase in travel time.
- 12) Furthermore, additional restrictions and stipulations were placed on these senior staff members, such as daily payroll reporting, which previously was never required.
- 13) While at work during September 2017, I was speaking to a group of three children cutting class. Throughout the course of this discussion, I detailed an instance which represented why these students should not cut class. One student began to raise her voice and use curse words at me. Principal Mineya, as a result of the interaction, issued a disciplinary letter to my file and subsequently classified the matter as “child abuse”.
- 14) In September 2017, Mr. Friedman and Human resources supervisor Ms. Mitten docked two days of pay from my salary for what they cited was the result of attending the aforementioned non-DOE conference without authorization.
- 15) In November 2017, another disciplinary letter was placed in my file by Principal Mineya after I allegedly referred to her as “woman”.
- 16) On December 22, 2017, I attended a DOE rating appeal hearing which pertained to me having received an unsatisfactory rating for the 2016-17 school year. Principal Mineya was not present at this hearing, although she had been the one to give me the unsatisfactory rating, but in her absence, Mr. Friedman contended that simply because he was my rating

officer and superior, he could issue the unsatisfactory rating. Having a rating issued by someone other than the school principal of the school for which they were assigned, in the case of Principal Mineya, was not common practice and further illustrated Mr. Friedman's discriminatory and retaliatory intent against me.

- 17) On or about December 28, 2017, as a result of continual verbal harassment brought about by Mr. Friedman and others closely associated with him, both professionally and personally, I sought counseling with the UFT MAP program to deal with anxiety and suicidal thoughts. Around this same time that I attended counseling provided by the UFT MAP program, I was also under the close supervision of my doctor, who was monitoring my high blood pressure.
- 18) On January 11, 2018, I began weekly therapy sessions at the clinic I was assigned via the UFT MAP program.
- 19) On January 31, 2018, I was sent to the hospital with chest pains which developed at a conference, and was ultimately discharged from the hospital on February 1, 2018. On February 5, 2018, as a result of my January 31 chest pains and stay at the hospital, I submitted forms requesting a six month medical sabbatical. The forms I submitted were filled out by Dr. Manuel Tejera. I was out of work between February 1, 2018, until April 25, 2018.
- 20) On April 25, 2018, I received information that my request for a six month medical sabbatical was denied, and as a result, had to return to work at Essex Street Academy.
- 21) On June 26, 2018, the last day of school, Principal Wallace gave me a rating sheet which showed an "unsatisfactory" rating for the 2017-18 school year. This unsatisfactory rating sheet I was given featured no explanation or improvement sheet, and again was based on no formal observations.
- 22) In June of 2018, I became aware to the fact that under the authority of Mr. Friedman, I would receive no TRAC Travel reimbursements for 2016-2017 and only partial reimbursements for 2017-2018.

2018-19 School Year

- 23) In September 2018, Mr. Friedman assigned me to Mathers High School at the Graphic Art Campus.

- 24) On September 6, 2018, Principal Larry Gabbard gave me a directive to have my time sheet signed by a point person at my assigned location. This directive deviates from past practice, and I had never before had to complete this tedious, unnecessary assignment. When I inquired as to the new directive, Mr. Gabbard told me, as my ratings officer, if I did not comply I would receive an unsatisfactory rating by the end of school.
- 25) On September 14, 2018, Principal Gabbard told me that I was to sit in the main office all day, and was to report to Mrs. Simpson regarding any reason I would have leave the office, including going to the bathroom.
- 26) Following these incidents, in September 2018, Principal Gabbard told me that I would not be needed at the East Side School and should not report there unless they emailed me stating that they need my service.
- 27) On September 28, 2018, Principal Gabbard issued me a time sheet that he had designed specifically for me and I was told that I was to use this one. No other attendance teacher was issued a specifically designed time sheet.
- 28) On October 9, 2018, at a disciplinary hearing scheduled between Principal Gabbard and myself, I did not have a UFT representative present on my behalf and subsequently refused to engage in this "hearing". Principal Gabbard became enraged that I was leaving the "hearing" and demanded that I return immediately, indicating once again, that he was my ratings officer, capable of issuing an unsatisfactory determination.
- 29) Principal Gabbard approached me and told me to "never talk away from him again", and to immediately report to the 7th floor with my time sheet. As a result of this threatening interaction, I quickly developed a severe headache which I attributed to a rising blood pressure. Following the aforementioned interaction, Principal Gabbard asked Ms. Marshall to escort me to the 7th floor where I would have to report my time sheet.
- 30) On or about October 13, 2018, I sent an email to Mr. Friedman detailing the October 9, 2018 incident with Principal Gabbard. In this email I explained the hostile and abusive environment Principal Gabbard had created through the way he treated and spoke to me. I also indicated that this continual maltreatment aside from mental anguish, was taking a physical toll on my body.
- 31) As a result of my disabilities due to my knee replacement and aforementioned revocation of car privileges and denial of a reasonable accommodation, I was forced to access the subway in order to fulfill home visit requirements.

- 32) Aside from difficulties associated with accessing the subway to report to assigned locations, I was also notified by Mr. Friedman that I would receive no financial assistance, such as a metrocard to take the subway.
- 33) On October 22, 2018, Principal Gabbard scheduled another disciplinary hearing, this time with UFT representative Alice O'Neil present.
- 34) During this disciplinary hearing, Principal Gabbard referenced ILOG entries with my name. Referencing these ILOG entries, Principal Gabbard contended that I had not worked these days and that I would not receive pay for them.
- 35) As a result of this October 22, 2018 disciplinary hearing, Principal Gabbard placed a disciplinary letter in my file and cited that I had not met my home visit quota and also cited that I was insubordinate in refusing to purchase a metrocard, which as previously mentioned I would not be compensated for.
- 36) In late October 2018, the NYCDOE retroactively withdrew payment for the days I had taken as a result of my chest pains that sent me to the hospital- from January 31, 2018 through February 1, 2018. Mr. Friedman and Ms. Mitten had removed pay on my payroll check starting in May 2018 check minus 20 days of my sick CAR bank.
- 37) In November 2018, I received a letter from one of my assigned schools regarding a home visit I did not complete as requested.
- 38) While I did not attend the home visit, I spoke with the student via phone that the home visit was scheduled for and the student indicated that regardless, she would not be returning to school until a prep course was offered. I documented this via an ILOG report and spoke to one of the school counselors regarding the student's situation and rationale. The counselor demanded that I visit the home and instruct the student to report to school.
- 39) As a result of not visiting the home, but rather calling the student, I was issued a disciplinary letter which was placed in my file. This letter stated that I did not complete the home visit as per the school's request.
- 40) In January 2019, I received a disciplinary letter in regard to an incident that occurred between myself and Mr. Friedman in which he cited unprofessional conduct.
- 41) While there have been several instances where Principal Gabbard has threatened to, or has, issued disciplinary letters prior to 2019, Principal Gabbard did not officially become my ratings officer until February 2019.

- 42) I was served Section 3020-a disciplinary charges seeking termination of my employment on February 1, 2019, and was reassigned from my teaching duties.
- 43) Based on the above, I believe I have been discriminated against based on my age and disability and retaliated against for filing an OEO complaint. I also have been denied reasonable accommodations based on my disability.

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Mary A. Hurd-Brown**
P.O. Box 1113
Bronx, NY 10451

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2019-02466

Holly M. Shabazz,
State & Local Program Manager

(929) 506-5316**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state) _____

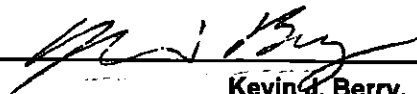
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Kevin J. Berry,
District Director

December 26, 2019

(Date Mailed)

Enclosures(s)

cc:

Attn: Director of Human Resources
CITY OF NEW YORK, DEPARTMENT OF EDU
Office of the General Counsel
52 Chambers Street, Room 308
New York, NY 10007

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

MARY A. HURD-BROWN,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10200296

Federal Charge No. 16GB902466

I, Mary A. Hurd-Brown, residing at P.O. Box 1113, Bronx, NY, 10451, charge the above-named respondent, whose address is Office of the General Counsel 52 Chambers Street, Room 308, New York, NY, 10007 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of age, disability.

Date most recent or continuing discrimination took place is 2/1/2019.

The allegations are:

1. I am 69 years of age (D.O.B. 9/7/49). I also suffer from a condition that is considered a disability under the meaning of the New York State Human Rights Law (Knee Replacements). Because of this, I have been subject to unlawful discriminatory actions.

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of age, disability, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Harassed/Intimidated - Reaply hollered at me; once po close spit hit my face. Sent numerous email stating 'incompetent, unorganized, work not satisfactory for years of work. Accused me falsely & called liar. Received numerous disciplinary hearing from the very beginning of school, Based on an assessment made without review of my work & not supplying proper work area. Once a 10 page letter in my file with 16 attached. Marked absence days & now taken from my Sick Bank which were wrong. Continued to ~~be~~ speak unprofessional to me & about my ability to perform my job. Received numerous emails on my disability even requesting I purchase a job fare maker since I was disabled. Also sent email request "which stairs" I could climb. I had informed Gubinsky stairs were out. Continued gave me a schedule & required me to report every day to his school which is not required of Attendance Teacher from Central. Had me complete a time sheet no other attendance. Teacher from Central is required. Used numerous disciplinary hearing dates to disrupt my job & then complain of my under performance. Received "U" rating from Mr. Eric Friedman, who is not the Rating officer, only Attendance Teacher rated by a Supervisor physically. Never received any prior warnings, just letters placed in my file. Never received counseling memos, never had an observation or review of any of my work or accompanied to observe a Home visit conference with Attendance Teacher. nothing regard my work performance at all. Received request from school via Eric Friedman suggestion to school after a visit to complete another form which most other Attendance Teacher from Central are not required to complete.

The discrimination & how & still hearing is because of my age & what they view as a disability, the constant bullying is to force me to retire. Mr. Eric Friedman informed me he would "take my job & license" hollered this, just because he was my Supervisor.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

PLEASE INITIAL

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Mary Ford Brown

Sign your full legal name

GLENN NICHTEHAUSER
Notary Public, State of New York
Qualified in Queens County
NO. 01164983606
Commission Expires July 1, 2019

Subscribed and sworn before me

This 1st day of March 2019

[Signature]

Signature of Notary Public

County: Queens

Commission expires: 7/1/2019

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Mary Hurd Brown

DEFENDANTS

New York Department of Education
Eric Friedman

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

ADEA, ADA

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☐ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- [] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

PERSONAL INJURY

- [] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES - OTHER
[] 448 EDUCATION

PERSONAL INJURY

- [] 367 HEALTHCARE/
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 366 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- [] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING

- [] 380 OTHER PERSONAL PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- [] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- [] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- [] 625 DRUG RELATED SEIZURE OF PROPERTY
[] 690 OTHER

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

LABOR

- [] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- [] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- [] 422 APPEAL
[] 423 WITHDRAWAL
[] 424 APPEAL
[] 425 WITHDRAWAL

SOCIAL SECURITY

- [] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

- [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY

OTHER STATUTES

- [] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

- [] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION
☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)